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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

YUDAYA NANYONGA,
Plaintiff

v.

IMMIGRATION & NATURALIZATION
SERVICE, DORIS MEISSNER, YORK
COUNTY, YORK COUNTY PRISON,
THOMAS HOGAN, CHRISTOPHER
REILLY, et al.,

Defendants

CIVIL ACTION
NO.: 1:CV 00-1034

(JUDGE WILLIAM CALDWELL)✓

FILED
HARRISBURG

MAR 05 2002

MARY E. D'ANDREA, CLERK
Per MY
DEPUTY CLERK

DEFENDANTS' RESPONSE TO MOTION TO
BE RELIEVED AS COUNSEL

1. This alleged civil rights claim was initiated by the filing of a Complaint on June 8, 2000.
2. Various motions to dismiss were filed and subsequently resolved, including the dismissal of the action as to Immigration & Naturalization Service and Doris Meissner.
3. A Case Management Plan was filed on September 12, 2001.
4. An Order was issued on September 17, 2001 which established various deadlines, including a **discovery deadline of April 2, 2002**, and setting a trial date during the June 2002 term.
5. On or about February 11, 2002 counsel of record for Plaintiff filed a Notice of Motion to Be Relieved as Counsel, which included a Certification in Support of said Motion.
6. Although the undersigned counsel for Defendants is not adamantly opposed to the relief requested by the pending Motion, said Motion does create

some potential problems which are of significant concern to the Defendants and which they wish to bring to the Court's attention as having some bearing on the issue:

a.) Following the issuance of the Scheduling Order, the undersigned, on October 8, 2001, provided Plaintiff's counsel with copies of those documents which Defendants had agreed to voluntarily disclose pursuant to §4.351 of the Joint Case Management Plan. However, despite several requests to the Plaintiff that she produce copies of those documents which she had agreed to voluntarily disclose pursuant to §4.301 of the Joint Case Management Plan, no such documents have been provided. Refer to Exhibits "A" and "B" attached hereto.

b.) On February 6, 2002 the undersigned sent Plaintiff's counsel a Notice of Deposition for the Plaintiff to be held on March 15, 2002 in Harrisburg, Pennsylvania. Refer to Exhibit "C" attached hereto.

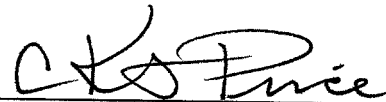
7. The Notice of Motion to Be Relieved as Counsel does not contain a representation that Plaintiff has obtained substitute counsel who is prepared to enter his/her appearance immediately in the event that the Motion is granted.

8. According to the Certification in Support of the Motion, counsel of record for the Plaintiff met with his client on an undisclosed date to discuss the facts surrounding the Motion and subsequently, on January 4, 2002, he sent Plaintiff correspondence memorializing their discussions, which included a recommendation that she obtain new counsel to represent her should she decide to proceed with the claim. However, as of February 7, 2002, the date of the Motion and Certification, Plaintiff apparently had not obtained new counsel.

9. The undersigned is concerned that the granting of the Motion, without the immediate substitution of new counsel prepared to adhere to the deadlines established in the Order of September 17, 2001, may result in prejudice to the Defendants in not being able to obtain responses to discovery and to take the Plaintiff's deposition in a timely manner prior to the April 2, 2002 discovery deadline.

10. Defendants would withdraw any opposition to the Motion contingent upon an Order being issued directing Plaintiff to (a.) provide complete copies of all documents which Plaintiff had previously agreed to voluntarily disclose in the Case Management Plan within 14 days of such Order, and (b.) appear for her deposition as scheduled on March 15, 2002 at 10:00 A.M. in the undersigned's office, subject to the dismissal of this action with prejudice as the appropriate sanction should she fail to appear for her deposition as scheduled for any reason.

THOMAS, THOMAS & HAFFER, LLP



C. Kent Price, Esquire
305 North Front Street
P.O. Box 999
Harrisburg, PA 17108
(717) 255-7632
I.D. No. 06776

ATTORNEYS FOR DEFENDANTS

A

(717) 255-7632
CKP@tthlaw.com
October 8, 2001

Gary A. Cavalli, Esquire
Pope, Bergrin and Verdesco. P.A.
572 Market Street
Newark, NJ 07105

RE: Nanyonga v. York

Dear Mr. Cavalli:

I have enclosed copies of Officers' Daily Reports, Progress Notes, Referral for Psychological Services, Inmate Progress Report, Memorandum from Warden Hogan, various statements and medical records provided by the York County Prison regarding your client. All of these documents were identified in the Joint Case Management Plan as ones which would be voluntarily disclosed.

In turn, I would ask that you provide me with copies of those documents which you agreed to voluntarily disclose in the Joint Case Management Plan, as well as any medical, psychological and/or psychotherapy records relating to your client. Your prompt attention to this request is appreciated

Sincerely yours,

THOMAS, THOMAS & HAFER, LLP

C. Kent Price

CKP/ves:136469.4
Enclosures

B

(717) 255-7632
CKP@tthlaw.com
January 3, 2002

Gary A. Cavalli, Esquire
Pope, Bergrin and Verdesco. P.A.
572 Market Street
Newark, NJ 07105

RE: Nanyonga v. York

Dear Mr. Cavalli:

On October 8, 2001 I provided you with copies of all documents identified in the Joint Case Management Plan as ones which the Defendants would voluntarily disclose. At that time, I asked that you provide me with copies of the documents that you indicated that you would voluntarily disclose in the Plan. To date, I have not received copies of those documents.

As you know, Judge Caldwell has established a discovery completion date of April 2, 2002, which is only three months away. Consequently, I must receive copies of the documents that you agreed to voluntarily disclose within the next 14 days, failing which I will make arrangements for a telephone discovery conference with Judge Caldwell. I certainly hope that that will not be necessary.

I also wish to make arrangements to take the deposition of your client at a mutually convenient date and time. I have asked my secretary to contact you in the near future to make the necessary arrangements in that regard.

You also indicated some time ago that it would likely be necessary for you to obtain other counsel to represent Ms. Nanyonga. Is that still your intention? If so, I would urge you to move forward in that regard with some alacrity.

I look forward to receiving the requested documents in the near future.

Sincerely yours,

THOMAS, THOMAS & HAFFER, LLP

C. Kent Price

CKP/ves:136469.5

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

YUDAYA NANYONGA,
Plaintiff

v.

IMMIGRATION & NATURALIZATION
SERVICE, DORIS MEISSNER, YORK
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Defendants

CIVIL ACTION

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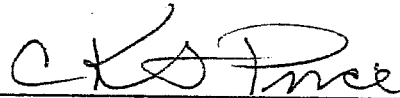
(JUDGE WILLIAM CALDWELL)

NOTICE OF DEPOSITION

TO: Counsel

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure, the undersigned will take the deposition of Yudaya Nanyonga in the above-captioned action, upon oral examination, for the purpose of discovery or for use at trial, or for both purposes, before a person so authorized to render an oath, at the offices of Thomas, Thomas & Hafer, LLP, 305 North Front Street, Harrisburg, PA, at 10:00 A.M. on March 15, 2002 on all matters not privileged which are relevant and material to the issues and subject matter involved in the pending action, and that the above-named is requested to appear at the aforesaid time at the above address and submit to examination under oath.

THOMAS, THOMAS & HAFER, LLP



C. Kent Price, Esquire

P.O. Box 999

Harrisburg, PA 17108

(717) 255-7632

ATTORNEYS FOR DEFENDANT

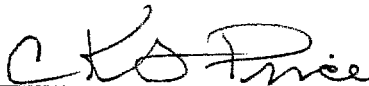
DATED: 2/06/02

CERTIFICATE OF SERVICE

AND NOW, this 6th day of February, 2002, the undersigned does hereby certify that he has this day served a copy of the within Notice of Deposition upon the following person at the address set forth below by depositing same in the United States Mail, regular mail, postage prepaid:

Gary A. Cavalli, Esquire
Pope, Bergrin and Verdesco. P.A.
572 Market Street
Newark, NJ 07105

Thomas, Thomas & Hafer, LLP


C. Kent Price, Esquire

CERTIFICATE OF SERVICE

AND NOW, this 5th day of March, 2002, the undersigned does hereby certify that he has this day served a copy of the within Defendants' Response to Motion to Be Relieved as Counsel upon the following Plaintiff's counsel of record at the address set forth below by facsimile transmission and by depositing same in the United States Mail, regular mail, postage prepaid:

Gary A. Cavalli, Esquire
Pope, Bergrin and Verdesco. P.A.
572 Market Street
Newark, NJ 07105

Thomas, Thomas & Hafer, LLP


C. Kent Price, Esquire